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SERVICE DATE - SEPTEMBER 18, 2000

SURFACE TRANSPORTATION BOARD

DECISION<sup>1</sup>

Docket No. AB-33 (Sub-No. 99X)

UNION PACIFIC RAILROAD COMPANY--ABANDONMENT EXEMPTION--  
LITTLE MOUNTAIN JUNCTION-LITTLE MOUNTAIN LINE  
IN BOX ELDER AND WEBER COUNTIES, UT

Decided: September 13, 2000

Union Pacific Railroad Company (UP) filed a notice of exemption under 49 CFR part 1152 Subpart F--Exempt Abandonments and Discontinuances to abandon approximately 12.0 miles of the Little Mountain Junction-Little Mountain Line (portion of the Little Mountain Branch) from milepost 0.0 near Little Mountain Junction to milepost 12.0 near Little Mountain, in Box Elder and Weber Counties, UT.<sup>2</sup> A decision and notice of interim trail use or abandonment (NITU) was served and published in the Federal Register on August 12, 1996 (61 FR 41823-30), authorizing, among other things,<sup>3</sup> a 180-day period for UP to negotiate an interim trail use/rail banking agreement with various parties and governmental agencies for the 12.0-mile line of railroad. At the request of UP, the negotiation period under the NITU was extended by decisions served February 10, 1997, January 26, 1998, August 5, 1998, July 30, 1999,

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<sup>1</sup> This proceeding is related to Finance Docket No. 32760, Union Pacific Corporation, Union Pacific Railroad Company, and Missouri Pacific Railroad Company--Control and Merger--Southern Pacific Rail Corporation, Southern Pacific Transportation Company, St. Louis Southwestern Railway Company, SPCSL Corp., and The Denver and Rio Grande Western Railroad Company (UP/SP). The common control authorized in UP/SP, Decision No. 44 (STB served Aug. 12, 1996) was consummated on September 11, 1996.

<sup>2</sup> By letter filed December 22, 1997, and amended on December 31, 1997, UP notified the Board that it had exercised the authority conferred as follows: (1) service was discontinued over the 10-mile portion of the line extending from milepost 1.0 near Little Mountain Junction to milepost 11.0 near Little Mountain, UT; (2) the 1-mile portion of the line extending from milepost 0.0 to milepost 1.0 near Little Mountain Junction, UT, was reclassified to yard trackage; and (3) the 1-mile portion of the line extending from milepost 11.0 to milepost 12.0 near Little Mountain, UT, was reclassified to yard trackage.

<sup>3</sup> The abandonment is subject to historic and environmental mitigating conditions imposed in UP/SP, Finance Docket No. 32760, Decision No. 44 (STB served Aug. 12, 1996) slip op. at 281-84.

August 4, 1999, February 18, 2000, and August 7, 2000.<sup>4</sup> The latest extension was due to expire on September 8, 2000.

In a joint pleading filed on September 7, 2000, Weber County (County), a political subdivision of the State of Utah, and Weber County Pathways (WCP), a private, non-profit corporation of the State of Utah, request substitution of WCP as the new interim trail user and the termination of the County as the interim trail user for the right-of-way between milepost 1.00 and milepost 11.00 effective September 7, 2000, pursuant to 49 CFR 1152.29(f)(1). WCP states that it has completed a purchase agreement with UP and to support its statement submitted a copy of the agreement.

WCP submitted a statement of willingness to assume financial responsibility for interim trail use and rail banking in compliance with 49 CFR 1152.29 and acknowledged that the use of the right-of-way as a trail is subject to possible future reconstruction and reactivation of the right-of-way for rail service. WCP's submission meets the requirements of 49 CFR 1152.29(f). Accordingly, the requested relief will be granted.

This decision will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.
2. The NITU in this proceeding served on August 12, 1996, is vacated.
3. A replacement NITU applicable to WCP as interim trail user is issued, effective September 7, 2000, subject to historic and environmental mitigating conditions imposed in the August 12, 1996 decision.
4. The new trail user is required to assume, for the term of the agreement, full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability), and for the payment of any and all taxes that may be levied or assessed against, the right-of-way.
5. Interim trail use/rail banking is subject to the future restoration of rail service and to the new user continuing to meet the financial obligations for the right-of-way.

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<sup>4</sup> The July 30, 1999 decision was affirmed in Missouri Pacific Railroad Company--Abandonment Exemption--Iowa Junction Line-Manchester Line In Jefferson Davis And Calcasieu Parishes, LA, Docket No. AB-3 (Sub-No. 133X) et al. (STB served Aug. 4, 1999).

6. If the new trail user intends to terminate trail use, it must send the Board a copy of this decision and notice and request that it be vacated on a specified date.

7. The decision is effective on its service date.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams  
Secretary